

THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

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Association Activities

AT THE Stated Meeting on February 11, L. Randolph Mason, chairman of the Library Committee, reported on the progress that is being made in recataloging the law library. Mr. Mason pointed out that the present catalog is not appropriately set up from the point of view of a lawyer conducting research. After consultation with the Librarian of Congress, the director of libraries of Harvard University, and the law librarian of Columbia University and others, it was decided to recatalog the library, employing the methods used by the Library of Congress.

Mr. Mason stated, "The saving of the time of our members and the staff of the library resulting from an adequate catalog will shortly pay for the new catalog."



A NEW SECTION on legal drafting has been established by the Committee on Post-Admission Legal Education. Lloyd K. Garrison will be chairman of the section, and he has announced that the first two meetings of the new section will be on March 27 and April 23. The section will consider all phases of the drafting of legal documents. A well integrated course has been planned

which will extend over two years. A detailed announcement of the plans for the new section will be mailed to all members.



THE COMMITTEE on Admiralty, of which Wharton Poor is chairman, has under consideration the proposed revisions of Title 46 United States Code. This title includes most of the statutes relating to shipping. The Committee will report to the Association at a later date.



OVER 250 MEMBERS of the Association attended the first Members' Exhibition of Photographs on January 31. Some 150 prints were exhibited. They were selected from a large number of entries by Herman de Wetter, curator of photography at the Brooklyn Museum. The Exhibition was in charge of Alexander Lindey, a member of the Committee on Art, and among members who contributed photographs were the following: James A. Fowler, Jr., Sidney Freidberg, Albert W. Fribourg, Robert L. Golby, Gardner D. Howie, Sydney Hut, Mitchell Jelline, Stanley A. Katcher, Randall J. LeBoeuf, Jr., Alexander Lindey, Willis Lindquist, Harry Malter, Charles H. Meyer, Eugene M. Parter, George Robinson, James McKinley Rose, Walbridge S. Taft, John W. Thompson, J. Alvin Van Bergh, and Harry Zalkin.



AT ITS LAST MEETING the Committee on the Domestic Relations Court, Oscar S. Rosner, chairman, had as its guest the Presiding Justice of the Court, John Warren Hill. The Committee discussed the court's budget with Judge Hill and approved the requests made. At the Stated Meeting on February 11 the Association approved the Committee's action. Members of the Committee will support the request of the court at the regular budget hearings.

The Committee also decided to cooperate with the court in furnishing to it lists of lawyers willing to act as assigned counsel

in cases where the court was of the opinion that parties should be represented. Abraham N. Davis was named as chairman of the subcommittee in charge of this project.



THE COMMITTEE ON Real Property Law, Jule E. Stocker, chairman, conducted a highly successful public forum on housing at the House of the Association on February 19. The president of the Association presided, and there was lively discussion from the floor.

The Committee has also been active in proposing to the legislature amendments to the commercial rent laws, as well as cooperating with the Committee on State Legislation in reporting on bills before the legislature.



ON MARCH 26 the Entertainment Committee will present its second Association Night entertainment. The dinner and show will be staged at the Astor Hotel. Programs and reservation cards will shortly be mailed to members of the Association.



ON MARCH 18 Justice Felix Frankfurter will deliver the Sixth Annual Benjamin N. Cardozo Lecture. Justice Frankfurter's topic will be "Some Reflections on the Reading of Statutes." The Association will entertain Justice Frankfurter at a buffet dinner preceding the lecture, to which all members of the Association are invited.



IN THIS issue of THE RECORD the treasurer of the Association, Chauncey B. Garver, has an important announcement concerning The Association of the Bar of the City of New York Fund, Inc. The Fund, a membership corporation, has for its purposes education, literary, scientific, and charitable programs of interest to

the profession, and particularly, the maintenance and development of the Association's library. Under ruling by the Commissioner of Internal Revenue, contributions made to the Fund are deductible.



BECAUSE of the very great interest of the membership in the legal profession in Europe, the Editorial Board of THE RECORD, with the assistance of the Committee on Post-Admission Legal Education, has arranged for the publication from time to time of reports prepared by Pierre Lepaulle, Secretary General of the *Association Nationale des Avocats*. Many of the members are well acquainted with M. Lepaulle, who has often visited this country and was at one time connected with the Harvard Law School.

In his first letter M. Lepaulle discusses the first post-war convention of the French Bar. This convention dealt with a number of very important problems which American lawyers will recognize as not unlike those confronting the profession here. M. Lepaulle also explains the attitude of the French Bar toward the various plans now being made to establish an international bar association.



AT THE STATED MEETING on February 11 the report of the president dealing with repairs, replacements, and structural alterations in the House was approved. The report had been mailed in advance to all members of the Association, and the president had also discussed the subject in his Annual Report.

The Association also approved a series of amendments to the Constitution and By-Laws. Some of these affected matters of internal administration of the Association, such as the printing of the Year Book, and the Memorial Book, and the dates of Stated Meetings. The amendments adopted also create a new class of members to be known as Auxiliary Members. It will consist of lawyers who have been admitted to the Bar of the State of New York for less than three years, and elected to Auxiliary member-

ship at a meeting of the Association, upon recommendation of the Committee on Admissions. The annual dues will be \$25. There will be no admission or initiation fee. Auxiliary Members may serve on standing and special committees but will not be eligible to hold elective office or to vote.

The membership of an Auxiliary Member automatically terminates three years after he has been admitted to the New York Bar, but he may then apply for admission as an Active Member, and if recommended by the Committee on Admissions and elected at a meeting of the Association, his annual dues will remain at \$25 until he has been admitted to the Bar for ten years. He will have to pay no admission or initiation fee if he has paid dues as an Auxiliary Member of \$50 in the aggregate.

The Association also reduced the admission fee for Active Members of more than three, but less than ten, years' standing at the Bar from \$50 to \$25.



THE ATTENTION of the membership is directed to the excellent bibliographies which the staff of the Association's library has been publishing in the *THE RECORD*. Because there have been numerous requests for additional copies of these bibliographies from those who have lost or mislaid their copies of *THE RECORD*, a list of the bibliographies to date is published here: Administrative Procedure, Briefs and Records in the Association Library, International Law, New York Practice, Recent Works on Taxation, and Arbitration. It is the intention of the library to publish additions to these bibliographies.



LEGISLATION to make it possible to fill the vacancy in the Federal District Court for the Southern District, created by the retirement of the late Judge Woolsey, was approved by the Association on February 11. The report, urging the approval of such legislation, was presented by the Special Committee on the Federal Courts,

Edwin A. Falk, chairman, and was also recommended to the Association by the Committee on Courts of Superior Jurisdiction, of which Ralph D. Ray is chairman. The report, as approved, together with supporting data supplied by the Administrative Office of the United States Courts, will be presented to the appropriate committees of the Congress.



AS A RESULT of the adoption of amendments at the Stated Meeting on February 11, a Stated Meeting of the Association will be held in March in place of the meeting in April.

The meeting will be held on March 11, and interim reports scheduled for the April meeting will be presented by the following committees: Committee on Arbitration, John T. McGovern, Chairman; Committee on Art, G. Franklin Ludington, Chairman; Committee on the Bill of Rights, Henry A. Johnston, Chairman; Committee on Legal Aid, Orison Swett Marden, Chairman; Committee on Medical Jurisprudence, George H. Sibley, Chairman; Committee on Courts of Superior Jurisdiction, Ralph D. Ray, Chairman; Committee on the Surrogate's Courts, Dermot Ives, Chairman; Committee on Trade-Marks and Unfair Competition, Ralstone R. Irvine, Chairman; and Committee on Uniform State Laws, James H. Halpin, Chairman.

In addition the Committee on Labor Law will present a report on portal to portal pay and other important subjects.

The Calendar of the Association for March

(As of February 14, 1947)

- March 2 The Schola Cantorum, Musicale 3 P.M.
- March 3 Dinner Meeting of Committee on Copyright
Dinner Meeting of Committee on International Law
- March 4 Meeting of Committee on State Legislation
Dinner Meeting of Committee on Insurance Law
- March 5 Dinner Meeting of Executive Committee
Meeting of Section on Wills, Trusts and Estates
- March 6 Dinner Meeting of Committee on Professional Ethics
- March 10 Dinner Meeting of Committee on Federal Legislation
- March 11 *Stated Meeting of Association and Buffet Dinner—*
6:15 P.M.
Meeting of Committee on State Legislation
- March 12 Joint Meeting of Sections on Federal Practice, Labor Law
and Trials
- March 13 Dinner Meeting of Committee on Law Reform
- March 18 Sixth Annual Benjamin N. Cardozo Lecture. "Some Re-
flections on the Reading of Statutes." Address by Hon.
Felix Frankfurter, Justice of the Supreme Court of the
United States. Buffet Dinner, 6:15 P.M.
Meeting of Committee on State Legislation
- March 19 Meeting of Committee on Admissions
Dinner Meeting of Committee on Real Property Law
- March 20 Meeting of Committee on Foreign Law
Dinner Meeting of Committee on Courts of Superior
Jurisdiction

- March 24 Joint Meeting of Sections on Federal Practice and Trials
Dinner Meeting of Committee on Medical Jurisprudence
- March 25 Meeting of Committee on State Legislation
Meeting of Committee on Junior Bar Activities
Dinner Meeting of Committee on Bankruptcy and Corporate Reorganizations
- March 26 Association Night, "Off the Record," a Musical Revue.
Hotel Astor 6:30 P.M.
- March 27 Meeting of Section on Drafting
- March 28 Meeting of Section on Taxation
- March 31 Meeting of Library Committee
Round Table Conference preceded by dinner of the
Special Committee on Round Table Conferences

The Treasurer's Letter

To the Members of the Association:

I am glad to report that a ruling was issued by the Commissioner of Internal Revenue under date of January 3, 1947, to the effect that contributions made to the Association of the Bar of the City of New York Fund, Inc., will be deductible by the donors in arriving at their taxable net income in the manner and to the extent provided by Section 23(o) and (q) of the Internal Revenue Code, as amended, and that bequests, legacies, devises or transfers to or for its use will be deductible in arriving at the value of the net estate of a decedent for estate tax purposes in the manner and to the extent provided by Sections 812(d) and 861 (a) and (3) of the Code. Gifts will also be deductible in computing net gifts for gift tax purposes.

The Association of the Bar of the City of New York Fund, Inc., is a membership corporation which was incorporated in July, 1946. In general, its purposes are to receive gifts and bequests and to apply the principal and income of its funds to the use of the Association of the Bar of the City of New York for certain educational, literary, scientific and charitable purposes, particularly the maintenance of its library. The members of the Corporation are the persons who at any time are the members of the Executive Committee of the Association.

Our Association has been handicapped in receiving voluntary gifts and legacies by the fact that, under rulings of the Department of Internal Revenue and court decisions, such gifts and bequests have been held not to be deductible for income and estate tax purposes, because of the nature of some of the activities in which the Association was engaged. Although some of us had our doubts as to the correctness of these rulings, it was decided that the most practical solution of the difficulty would be to organize a separate corporation which could use its funds only for certain activities of the Association which are clearly educational and charitable. For the present, it is the intention of the Corporation

to use any funds which it has available exclusively for the library of the Association, which now absorbs more of the Association's funds than any other single activity.

It is intended to publish in the near future, and distribute to the members of the Association, a pamphlet containing the Certificate of Incorporation, Constitution and By-Laws of the Corporation and other information in regard to it. It is hoped that many members and friends of the Association will be inclined to make gifts and legacies to the Fund, which they have heretofore refrained from making to the Association because of inability to deduct such gifts and legacies for tax purposes.

CHAUNCEY B. GARVER

February 15, 1947

Report from Paris

BY PIERRE LEPAULLE
of the Paris Bar

The French Bar Association held at the Court of Appeals of Paris, December 27-30, 1946, its first Convention since the declaration of war, in 1939. During the occupation, no association could continue its activities in the northern zone without the authorization of the Germans. We did not ask such authorization but kept up, the best we could, our activities. The 1946 Convention was therefore a big event attended by lawyers from all parts of the Continental and "overseas" France. The Minister of Justice presided and many foreign bars sent delegates.

During the general meeting, various subjects were discussed. Some of them are of no interest to outsiders: they are related to methods of taxation of lawyers, social security, measures constituting overhead charges etc . . .

Other subjects, although purely national in their scope may, however constitute a fruitful point of comparison for American lawyers.

One of them is connected with the judiciary. Mr. Pernot, former Minister of Justice, insisted in his report on the necessity of having judges well trained and independent. In France, judgeship is a career in which admission is regulated by examinations conducted under the supervision of the Ministry of Justice. Young judges are afterwards promoted and on retirement get an old age pension. Our Convention passed a resolution expressing the desire that the standards of the examinations be raised, that young judges pass through a period of five years of apprenticeship and that their promotion be regulated in such a way as to free

Editor's Note: This is the first in a series of articles or news letters which Pierre Lepaulle, the distinguished Secretary-General of the *Association Nationale des Avocats*, will from time to time prepare for THE RECORD. M. Lepaulle is well-known to many members of the Association and his reports will furnish an excellent opportunity of keeping abreast of developments in France of particular interest to lawyers.

them from political influences and preserve at all stages their dignity and independence. This problem is of great importance since our new Constitution has created a "Conseil supérieur de la magistrature" for passing on the promotions of judges.

What I have just said about judges is also applicable to district attorneys and attorneys general, since all the legal staff concerned with prosecution (as well as matters in which public interest is involved: minor children, insane, absentees, etc . . .) are selected, paid and promoted in the same way as judges. Their situation is however more delicate since they form a hierarchy in which the superior can give orders to those under him, the Minister of Justice being at the top of that hierarchy.

The Convention considered, and probably most lawyers everywhere feel the same way, that the problem of the quality of the men administering justice is one of the most important in any community.

When a new Constitution is drafted, the drafters generally devote little attention to the consequences on private law, and concrete private interests. It is natural that practicing lawyers have the reverse attitude and desire to study what those consequences may be. That was the object of the report of Bâtonnier Nicolas of Algiers who came to the Convention heading a strong and brilliant delegation from North Africa.

Moreover, the Constitution does not appear as an intangible instrument. It was not the result of a unified and enthusiastic expression of the nation's will; it was a compromise between the conflicting views of various political parties. Its revision is naturally being considered. The Association Nationale, which is in no way connected with politics, has of course tackled the problem from a purely technical and legal point of view. Such attitude has limited the scope of its criticisms but has allowed unanimous approval of the general assembly.

When the Association held its last meeting, before the war, France was under an economic regime of free enterprise. The Association had, therefore, to face the consequences of a directed

economy in its connection with the defense of individual rights. Such fundamental changes have resulted in a great many administrative functions being given to Commissions and even individuals have a real power over private citizens, their property, their honor and their freedom. The line of cleavage between the executive and the judicial power is moving fast to the benefit of the executive power. It was considered that a campaign should be started to give back to the judicial power its own field. If such campaign were not successful, the democratic protections to which every man should be entitled would be imperilled. Although the principle is easy to formulate, its actual enforcement presents many hard problems. It is especially so in France, because of the fact that members of the Bar are not, as a general rule, allowed to have direct negotiations with public administrations on behalf of their clients. The general solution has therefore been sought in two directions: on the one hand, by suppressing certain commissions and vesting their powers in the regular courts; on the other hand, by suggesting the creation of a simple and dignified method for defending of individual interests with the help of lawyers each time a public service man or an administrative commission may have some power over the freedom, honor or assets of men. Such compromise takes for granted that a regime of directed economy makes it unavoidable to leave to administrative authorities much power over individuals than they had under a regime of free enterprise. It does not mean that directed economy is considered as necessary or permanent, but it simply acknowledges that, under present circumstances, it is not likely that absolute economic freedom will be immediately reinstated, and that we have to take such situation as a fact.

In the field of the internal organization of the profession, a resolution was passed recommending that local bars allow lawyers to form partnerships between themselves. Such partnerships, although not forbidden by law, are not allowed—with the exception of Alsacia—by local bars (*Conseils de l'Ordre*), which alone have disciplinary jurisdiction over their members and are a compul-

sory organization. The most conservative elements among advocates consider that such partnerships would tend to commercialize the profession and change its traditions in a dangerous manner. Others believe that, with the complication of modern law, it would allow more specialization in the different branches of the law and render better service to the public. It is rather significant that, for the first time, a vote in favor of allowing partnerships was passed.

On matters of international significance, the Convention passed two important resolutions.

In the field of admiralty, it was decided that France should give her support to every activity towards international unification of admiralty law, and that international conventions already signed should be incorporated into French law.

In the field of Air law, a similar resolution was passed with special reference to the adoption and support of the international conference held in Chicago.

At the same time as the Convention of the French Bar the Committee of the "Union Internationale des Avocats" held its first meeting since the War. After having examined the proposals made by the American Bar Association for a creation of world federation of bar associations, it was decided that the Convention was, in principle, in favor of the idea but that a world federation should be restricted to members of the Bar and composed of regional unions such as the Inter-American Bar Association, the Union Internationale (which would, in that case, restrict its sphere of activity to Europe and the Mediterranean countries), and others to be created.

The Convention considered that a world federation of jurists was also desirable, but should not be confused with a federation of bar associations. The general consensus was that, in each country, the various legal societies should form a national group and that those national groups should be federated under UNESCO. Such opinion does not mean that there should not be other international federations of jurists: associations of judges, of professors

of law, societies of comparative law, of international law, of history of the law, of penal law, etc. . . Before crystallizing such ideas into a precise scheme, the Union Internationale believes that contacts should be made with all existing groups of jurists.

On the whole, the Convention was very brilliant not only because of the number and quality of the members and guests present but also because of the level at which all discussions took place. It may be considered as one of the most important Conventions that the French Bar has ever held.

Objectives of Legal Education

BY LON L. FULLER

Professor of Law, Harvard Law School

My starting point in any thinking about legal education is the legal profession itself. I believe in that profession and in its usefulness to mankind.

The best definition I ever heard of a lawyer was that given by the young daughter of a friend of mine. A neighbor's child asked her what her father did. She said, "He's a lawyer." "What's a lawyer?" "A lawyer is a man that helps people."

That definition has always been a good one. It seems to me that it is gaining a new meaning and a new depth in the era in which we are now living. People need help as they never did before. They need help in meeting each other on common ground, in finding ways of living together.

Some years ago I wrote that I thought we had lost a valuable insight when we threw away, sometime around the middle of the last century, the notion of a "law of nature." I still think this, and the intervening years if anything have strengthened this conviction.

We need this notion that there is something to law beside judicial behavior patterns and legislative fiats. We need it because it points the lawyer toward the most essential part of his task.

I can best illustrate my meaning by a metaphor. Imagine that you hold in your hand about twenty small pieces of cardboard, cut in irregular shapes. Each of these represents a human being, with his own particular capacities, desires, and interests. The pieces are irregular and varied because men are that way. Before you on a table lies a circle within which you must place all of these pieces. This circle represents the total means of satisfying human desires and realizing human capacities. If you allow the pieces of cardboard to drop within the circle in random order you will find

Editor's Note: This paper is an adaptation of Professor Fuller's remarks before the Yale Law School Forum on Legal Education held on December 4, 1946.

that many of them will be stacked on top of one another, leaving blank spaces in which there are no pieces,—unused space, in other words. By experimenting and patiently rearranging the pieces you will find that it is possible to reduce radically the instances in which the pieces overlap and push against one another. There is, in other words, a law already given by the dimensions of this circle, and the dimensions and shapes of these pieces, which determines in some measure how they must be arranged to utilize the available space to the fullest advantage and with the least overlapping.

I know that there are many things wrong with this simple figure. In actuality, the circle is not a circle, but something irregular itself; it is not fixed but expanding and contracting. The actual pieces are not individual human beings, but a complex of human beings and human institutions, which also change shape constantly. Furthermore, our task is not to arrange the pieces so that they may lie inertly alongside one another, but so that they may work together.

But none of these variables and qualifications affects the basic proposition that there is a significant task to be performed in so arranging and ordering the pieces that they will least interfere with one another. This is the insight Immanuel Kant expressed in his ideal of "a community of free-willing men." We want every one to be as free as possible, and the task of the law is to discover the ways in which this can be accomplished. On this view the primary task of the lawyer is not to expound the fiat of some sovereign, not to predict which way judges will jump, but is a search for truth. . .

Perhaps I can make clearer my conception of the lawyer's task by a more concrete reference. In the field of labor relations, there often seems to be an irreconcilable conflict between two interests: the interest of management in industrial efficiency (which is also an interest of society), and the interest of the worker in human dignity and the right not to be pushed around. (This interest is also one of society as well as of the worker.) Here the circle seems

definitely too small for the pieces that have to go into it, and conflict seems inevitable.

However, with patience, with insight, with hard intellectual labor, one will find that there is an arrangement that will avoid the overlapping or conflict of the pieces, or reduce it to negligible proportions, without breaking the circle. The worker can be protected against indignities in ways that do not reduce, too much, industrial efficiency; there are ways of promoting industrial efficiency which do not involve pushing the worker around.

This is the kind of job in which the lawyer, properly trained excels. He it is who has the detachment that is the first essential for the task. With this he combines the imagination and the capacity for analysing the factors in the situation that are equally indispensable. Lawyers representing both management and labor have made important contributions to this task.

I believe that the fundamental objective of legal education should be that of training lawyers for this kind of job, not simply in the field of labor relations, but throughout our whole social and economic order.

If you ask, "What reforms are needed in legal education?" I think you can most quickly and surely obtain the answer by asking in turn, "During the last two or three generations, what changes have taken place in the nature of the demands made on the legal profession?" You will have the clue to the inadequacies in our present system of legal education.

For it is a fairly safe generalization that education lags behind the needs of the tasks for which it is preparing. This is particularly apt to be true where education seems on the surface successful, and certainly legal education in this country during the last forty years can be counted, in comparison with education generally, a very successful enterprise. One of my most astute colleagues has often said that the greatest handicap of the Harvard Law School has been its success. I think we can extend that observation to the case method and to American legal education as a whole.

The secret of the success of American legal education in com-

parison, say, with undergraduate instruction, lies in the fact that it centers about problems. The intellectual challenge of this method is such that it has succeeded remarkably well without basic changes for decades. It has succeeded so well, indeed, that those who employ it have often forgotten to ask whether the problems they are dealing with correspond to the tasks for which they purport to train men.

The case method originated in 1870 when Langdell came to Harvard as Dean. It was about thirty years before it became the exclusive method of instruction at Harvard. It was still an issue during the first decade of the nineteenth century, but by the time of World War I, it had ceased to be a debatable question. We may take 1900, therefore, as the approximate turning point, as the time when the mold of present legal education was set.

If we compare the work of the legal profession in 1900 with the tasks it performs today, I think we can make the generalization that *the scope of the lawyer's responsibility has greatly expanded*.

As I see it, this expansion of his responsibilities has *two* aspects.

In the first place, he now has typically a different responsibility with respect to *facts*. In 1900 the lawyer was typically an advocate, or a strictly legal adviser. As an advocate, he was dealing with facts not the way an administrator does, but with forensic facts, with facts as they get into a written record. When he gave advice, he was usually permitted to hedge against any responsibility for facts. His formal opinion letter started out by stating that *on the assumption* that the facts were X, Y, and Z, then legal consequence A would follow.

In the intervening half-century a change has occurred in the responsibility typically assumed by the lawyer. Today, whether he is in private practice or a government lawyer, his responsibility for facts is generally that of an administrator. He is no longer dealing with *forensic* facts, but with *managerial* facts.

Yet, by and large, legal education centers on the facts of a written record, or worse still, the tendentiously reported skeleton of the facts found in an appellate decision.

This is a serious deficiency, because in my opinion one of the greatest contributions a lawyer can make in any situation is to get at the facts. It is remarkable how many people in this world go about deciding things with only the slightest notion of what it is they are really deciding.

If we are to get our irregularly shaped pieces inside the circle without too many clashes, somebody has got to stand to one side and study the actual shape of these pieces and the actual size of the circle in which they have to fit. This is, in my experience, a job that lawyers must perform if it is to get done. It is the responsibility of the law schools to prepare him for this job, and I don't think any of us is doing too good a job of it now.

In connection with this point, I should like to read an extract which our Committee received from a graduate of wide experience:

"Among the more serious defects of young lawyers, I think, are the following:

"The tendency in many cases to reduce a complicated problem to one or two *law* points, when as a matter of fact those law points were subsidiary to very important fact questions, and, on the real facts, were probably not involved.

"A lawyer's interest in a law point often leads him to assume that the facts are such that the point is actually involved in the situation before him. This is an easy way of doing what he does most easily. He has the legal authorities easily available in the library; usually he cannot get at the real *facts* without tedious interviews with witnesses. He may have the idea what fact-issues are somehow beneath a real lawyer's dignity. Surprisingly, long-established Government groups *not* mainly manned by lawyers have often proved abler in their approach to complicated problems than sections or divisions exclusively composed of lawyers. Outsiders trying to deal (1) with a non-legal group and (2) with a legal group, often have difficulty in finding a lawyer in the legal group who can soundly look at the whole complicated picture which is presented; the average younger member of such a *legal*

group dodges the practical issues and goes off on theoretical tangents which impair his usefulness."

Going back to the changes that have occurred in the responsibilities of the legal profession during the last half century, I think the second great change lies in the fact that the lawyer today has, typically, a responsibility for what may be called "the total decision." Almost any decision, whether arrived at by private interests or government agencies, involves a synthesis of legal and extra-legal factors. In simpler days, when interests were less complex, the lawyer had ingenious ways of ducking responsibility for "extra-legal" considerations. These he no longer has. Today he has to be capable of making his own synthesis of legal and extra-legal considerations; he must be able to make a responsible contribution to the "total decision."

Here the second greatest inadequacy of American legal education becomes apparent. We do not give the student training in this process by which the total decision is arrived at.

A number of us were interested very much in the way in which Professor Gellhorn of Columbia expressed the objectives of a seminar in Administrative Law he is now conducting. He stated that the shift is from the question, "What *can* be done?" to the question, "What *should* be done, all things considered?" This expresses neatly a shift in emphasis that many of us, in many American law schools, have had in mind for a long time. The shift has by no means been completed.

The general formula I would prescribe for bringing American legal education up to date would read something as follows: We must retain the problem method implicit in the case method. We must continue to concentrate on real issues, as they arise in real human contexts, and not get lost in abstract theories. At the same time, we must expand these issues in two different directions: *first*, so as to include live facts, and not the frozen facts of a written record; *second*, so as to include the "extra-legal" considerations that bear on the final decision.

At this point our conservative colleagues on all faculties speak

up and say: You are attempting the impossible. You can't spread legal education out without making it thinner. We must concentrate on straight thinking. You can't do this without fixed points of references. If legal education is allowed to roam all over the map, it becomes a mere windy exchange of attitudes and biases. On this issue, I count myself somewhat to the left of center.

On the other hand, I am convinced that the conservatives have a real point. As confirmation for this conclusion I can refer to an experience I have had several times. A student trained in literature or history enters the law school, and conceives very rapidly a strong distaste for legal reasoning. He complains that it is narrow, question-begging, and tautological. As one very sensitive student I once had expressed it, "It seems to me that when a question becomes really important, it ceases to be a legal question." After trying the law school for a year or so, such a student gives the law up as a bad job and goes back to his first love, which may have been history, or psychology—typically one of the "humanities." Then he finds, lo and behold, that he has become a man without a country. His legal training has done something to him. He can no longer abide the vague and loose methods of his instructors and fellow students. And strangely, he is convinced that he has become a better thinker, and a more effective person generally, as a result of the legal training he fought so hard against when he was getting it.

As I see it, the basic dilemma of American legal education is well expressed by the following statement made by a committee on the reform of engineering education:

"Again and again the professional engineer must deal with problems that involve indeterminate values, intangible factors, and the making of alternative and even speculative hypotheses. Yet in dealing with such problems, he must apply the same thoroughness and orderliness of thought that he applies to problems subject to mathematical solution. This is an extremely difficult and important thing to learn how to do well."

Teaching men how to do this is a problem that can never be

solved by one man or one school alone. Yet I think it is vital that it be solved.

We live in a world that is threatened by international and internal chaos. In my opinion, this threat comes not from wicked intentions (neither of the Russians nor John L. Lewis) but from our inability to reach a real understanding of one another's problems. I believe that there is a profound truth in the statement that the injustices and cruelties of this world are done, not with the fists, but with the elbows. What we need is someone with the imagination, the patience, and the skill, to work out a seating arrangement that will put us all within reach of the banquet, but that will keep our elbows from knocking against one another. Only the lawyer is capable of doing this job. It is our responsibility to train him for it.

Committee Reports

COMMITTEE ON FOREIGN LAW

REPORT OF CHAIRMAN OF SUBCOMMITTEE RECOMMENDING DELETION OF SUBDIVISION D OF SECTION 344-A OF THE CIVIL PRACTICE ACT SO AS TO REQUIRE PLEADING OF FOREIGN LAW

Prior to 1943, the law was well established in New York State that foreign law must be proved as a fact.* subject to the rules of evidence governing the proof of ordinary facts.†

This state of the law was greatly criticized as being obsolete and the cause of unnecessary difficulties being placed upon litigants.‡

The proposal that reform and change was necessary to remedy an alleged antiquated situation was coupled with the plea that courts be empowered to take judicial notice of the law of sister states and of foreign jurisdictions including foreign nations or political subdivisions thereof.§

As a result of this movement for reform, the state legislature in 1943 by Chapter 536 of the laws of that year amended the Civil Practice Act in New York by adding thereto Section 344a entitled "Judicial Notice of Matters of Law." This Section provides for the judicial notice of law of sister states, a territory or other jurisdiction of the United States as well as of a foreign country or political subdivision thereof.

The subdivision of that Section which is the subject matter of the writer's review, is Subdivision D of the aforesaid Section which reads as follows:—

"The failure of either party to plead any matter of law specified in this Section shall not be held to preclude either the trial or Appellate Court from taking judicial notice thereof.
(Added L. 1943 ch. 536, in effect Sept. 1)"

* *Crocker v. Crocker* 252 N.Y. 345; *Hanna v. Lichtenhein* 182 A.D. 94 (1st Dept.) reversed on other grounds 225 N.Y. 579; *Ogle v. Ogle* 264 App. Div. 412 (1st Dept.).

† *Phillips v. Griffen* 236 App. Div. 209; *Schweitzer v. Hamburg—Amerikanische P.A.G.* 149 App. Div. 900.

‡ *Wachtell*, Proof of Foreign Law in American Courts—69 *United States Law Review* 526; *Wigmore*, Evidence (3d Ed. 1940) Sec. 2565, 2572.

§ Judicial Council (Ninth Annual Report—1943) pages 271, et seq.

Although it is clear that an innovation in the law of New York has resulted by the amendment quoted above, it seems doubtful in the writer's opinion whether a real improvement has resulted. It would appear to the contrary, since litigants must now be faced with a situation where although a claim is founded upon foreign law, no notice of the exact laws relief upon need to be given to the defendant until the time of trial, when without adequate opportunity for preparation and research in the laws of unfamiliar jurisdictions, counsel is expected to protect the interests of his client and assist the court in arriving at a just determination.

Prior to the enactment of Section 344a it was well settled that before a party would be allowed to introduce evidence of the foreign law, he must have pleaded reliance thereon in his complaint.*

It was required that the pleading, in order to be deemed sufficient, must set out the substance and effect of the foreign law as found in the statutes and judicial opinions with sufficient particularity to enable the Court to determine the meaning and effect thereof.†

However, we now find under Subdivision D of Section 344a of the Civil Practice Act, that a different position has been accorded to matters of foreign law comprising the basis for a litigant's claim. For in that respect, it is now permitted that the trial or Appellate Courts take judicial notice of the laws of other jurisdictions without regard to whether or not these matters of law have been pleaded by the parties.‡

It has even been held that in view of the fact that the court may take judicial notice of foreign law, a Bill of Particulars as to foreign law may not be required.** In effect, therefore, the innovation produced by the enactment of Section 344a of the Civil Practice Act has given rise to still another innovation, namely, that where foreign law is the basis of a claim, the pleading to be served in litigation involving that claim, need not give notice of the facts forming the basis of the claim.

It is well accepted that the primary purpose of pleadings is to acquaint the court and the parties with the *facts* in dispute.†† The

* Peterson v. Fowler, 162 App. Div. 21 (1st Dept.); Hifler v. Calmac Oil & Gas Corp., 258 App. Div. 78 (4th Dept.)

† Sultan of Turkey v. Tiryakian, 213 N.Y. 429.

‡ "The failure . . . to plead any matter of law . . . shall not be held to preclude either the trial or appellate court from taking judicial notice thereof." Subdiv. D §344 a-C.P.A.

** Kraus v. Kraus, 183 Misc. 667, 51 N.Y.S. (2d) 886, decision by Mr. Justice Pecora.

†† Charles E. Clark (Now Judge of Circuit Court of Appeals—2nd Circuit) "Code Pleading" p. 2.

pleadings in setting forth the facts should, at the same time, point out the issues to be settled.*

An example of a possible situation under Section 344a of the Civil Practice Act will illustrate how the primary purpose of a pleading has been disregarded by Subdivision D of the Section.

Let us assume that "A" brings suit against "B" in the Courts of New York, alleging in her complaint that sometime prior to the time of the complaint, plaintiff and defendant were residents of the Netherlands; that they were married pursuant to the laws of the Netherlands; that thereafter they emigrated to the United States and became residents thereof; that plaintiff thereby has a vested interest in one-half of the property owned by the defendant prior to his emigration to the United States.†

It will be recognized by the average practicing attorney of the Bar of New York, that the above claim is not only based upon foreign law, but that it is totally foreign to the juridical concepts of the law of property in this state. In order to prepare an answer for the defendant and make preparation for the trial of the issues, it would be expected that the defendant should be informed of the precise facts as to the law of the Netherlands which, in the plaintiff's opinion, entitle her to the relief requested. As heretofore pointed out, a motion for a Bill of Particulars as to the foreign law involved will be denied‡ on the ground that, since the trial court and the appellate court may take judicial notice of any foreign law notwithstanding the failure of the party to plead to such foreign law, such party may not be required to specify in advance the portions of the law upon which she relies.

One of the reforms supposedly brought about by Section 344a is that under the discretionary form of the statute the Court may withhold any research of its own as to the applicable foreign law until counsel has shown a disposition to aid the Court in arriving at a correct determination thereof. This it was said would lead to greater cooperation between counsel and the Court, thus saving the time, expense and energy of both.**

* Id-p. 3-citing *Campbell v. Walker, Boyce*, Del. 580, 76 A. 475 (1910); *Quaker Metal Co. v. Standard Tank Car Co.* 2 W W Harr. 350, 123A 131 (1923); *Smith v. Jacksonville Oil Mill Co.*, 21 Ga. App. 679, 94 S. E. 900 (1918); *Shipman*, Common Law Pl. (3d Ed. by Ballantine) 8-11; *Isaacs* 16 Mich. L. Rev. 589.

† For similar claims see matter of *Bonati v. Welsch*, 24 N.Y. 157; *Estate of de Winter* Surrogate's Court, New York County, unreported decision, May, 1942; matter of *Simon* 40 B.T.A. 651; matter of *Hernandez* 172 A.D. 467, aff'd. 219 N.Y. 566.

‡ *Kraus v. Kraus*. (supra)

** Judicial Council—Ninth Annual Report—page 285.

The reverse of the above proposition would appear to be more nearly the result of the amendment of the Civil Practice Act, for not only is counsel for the defendant limited in his ability to assist the Court, but he is actually prevented from doing justice to his client's cause. Until the time of the trial, the defendant must remain in uncertainty as to the exact nature of the plaintiff's claim. Until then, his research as to the laws of a foreign jurisdiction must be necessarily speculative and hypothetical. In addition both in the trial Court and in the Appellate Court, it may be determined that although the plaintiff has erroneously relied upon certain provisions of foreign law, judgment should nevertheless be awarded to the plaintiff on the strength of other provisions of the law of which the Court took judicial notice.* The claim that this is, in the last analysis, just and proper† is in disregard of the obvious fact that notwithstanding the sincere efforts of the Court, adequate notice to the defendant might have availed the Court of the results of such intensive research or proof as might have revealed the fact that the defendant was actually entitled to judgment.

Added doubt as to the sufficiency and propriety of Subdivision D of Section 344a of the Civil Practice Act has resulted from the decision in *Arams v. Arams*, 45 N.Y. Sup. (2d), 251.

That action involved an action of conversion of stocks and securities "at the City of Zurich, Switzerland, and elsewhere, as well as in the City of New York." Justice Walter in that case said as follows: (p. 257)

"Taking all the cases together, I think the correct rule in relation to suits here upon contracts made or torts committed in states or countries which have not adopted or inherited the common law may be formulated thus: Where the complaint alleges facts which fairly may be assumed to create an obligation under the law of any civilized country, the plaintiff need not specifically allege the law of the state or country in which the things relied upon as giving rise to the asserted obligation took place, considerations of justice and convenience making it proper in such cases to cast upon the defendant the burden of showing if that be the fact, that the law of such State or country is contrary to that assumption; but where the complaint alleges facts which do not make it reasonably certain that any civilized country would regard them as creating the asserted obligation, the plaintiff must

* Id-p. 285. See U. S. v. Pink 315 U. S. 203, 221, where judicial notice was taken of a Soviet Decree not in evidence. See criticism in 36 Amer. Journal of Int. Law 279.

† Id-p. 280.

allege the law of the State or country in which the things relied upon as giving rise to such obligation took place, considerations of justice and convenience making it proper in such cases to cast that burden upon the plaintiff. That is the rule which Professor Beale says 'should do much toward achieving substantial justice in this branch of the law.' Beale, *Conflict of Laws*, 1935, Vol. 3, see 622A. 2, last paragraph."

It would seem from the foregoing that there is a growing doubt with respect to a rule of law that permits a party to rely on foreign law yet excuses that party from pleading with respect thereto or from giving a Bill of Particulars thereof.

Whether a system of pleading, somewhat less formal than is in force in the State Courts of New York, would approve the conditions authorized by Subdivision D of Section 344a of the Civil Practice Act would seem to offer a fair measure of test.

In that respect comparison with the rules of pleading permitted by the Federal Rules of Civil Procedure offers a just comparison, for therein it is stated that the rules contemplate a simplicity and brevity of statement in the forms of complaint.*

It is therefore of great interest to note that Judge Rifkind of the United States District Court for the Southern District of New York, has held that Section 344a of the Civil Practice Act had no application to the Federal Courts and that consequently where a foreign law is the basis of the claim set forth in the complaint, in the United States District Court, *such foreign law would have to be pleaded*. The opinion reads as follows:

(Empresa Agricola Chicama Ltda. v. Amtorg Trading Co.
57 F. Supp. 649)

"Unquestionably, by virtue of Rule 43 (a), F.R.C.P., the more liberal rule for the reception of evidence relating to foreign law, now operative in the New York state courts, has become applicable in the federal courts located in New York. But no such submission to State rules of pleading as distinguished from evidence, obtains in the federal courts under the Federal Rules of Civil Procedure. With respect to the requirements of a federal pleading, subdivision D of Section 344-a of the New York Civil Practice Act is, therefore, not controlling. The federal rule of pleading is well established.

* Rule 84—Federal Rules of Civil Procedure.

Foreign law is matter of fact which must be pleaded and proved. *Liverpool & G. W. Steam Co. v. Phenix Ins. Co.*, 1889, 129 U.S. 397, 445, 9 S. Ct. 469, 32 L. Ed. 788; *Rowan v. Commissioner of Internal Revenue*, 5 Cir., 1941, 120 F. 2d 515. Although Section 344-a has changed the character of proof admissible in this district court to prove foreign law, it has not dispensed with the necessity of pleading the foreign law, if it is to be proved." (P. 650)

As a matter of fact, the weight of authority under the new rules with respect to pleadings, as embodied in the Federal Rules of Civil Procedure, shows that a complaint is still required to contain a statement of *facts* showing a claim for relief.

Leading authorities on Federal Practice contend that the new Federal Rules have not changed the requirements of good craftsmanship in pleading.* On the subject of what a good pleading should contain, it has been held that the New Rules did not alter the requirements that the complaint must advise the defendant of the nature of the claim so as to enable him to prepare his respective pleading and generally to prepare for trial.†

Even adherents of the notice theory of pleading have never intended that such pleadings are to be bare of allegations of facts essential to constitute a cause of action.‡

The conclusion has been drawn by jurists, in following the foregoing theory, that even under the new Federal Rules, the allegations in the pleading must contain a statement of facts as distinguished from mere conclusions of the pleader.**

The Federal Courts have not hesitated to dismiss pleadings where the allegations contained merely conclusions rather than a statement of ultimate facts.††

One may therefore summarize the requirements of a complaint

* Moore on Federal Practice page 553. "What constituted good craftsmanship in pleading before the Rules will continue to constitute good craftsmanship."

† *Fleming v. Dierks Lumber and Coal Co.* 39 F. Supp. 237, 240

‡ Address of Judge H. Church Ford, Volume 1, Federal Rules decisions pages 315, 316, 317.

** *Lewis v. U. S.* 27 F. Supp. 894. *Shurtz v. Foster and Kleiser Co.* 29 F. Supp. 162, 163, 164. *Securities and Exchange Commission v. Time Trust Inc.* 28 F. Supp. 34, 41. *Washburn v. Moorman Mfg. Co.* 25 F. Supp. 546.

†† *Hoffman v. Santley-Joy* 51 F. Supp. 778 (Decision by Judge Leibell). *Zimmerman v. National Products Corp.* 30 F. Supp. 438 (Decision by Judge Conger).

Package Closure Corp. v. Sealrite Co. 4 F.R.D. 114 (Decision by Judge Caffey). See also *Westland Oil Co. v. Firestone Tire and Rubber Co.* 3 F.R.D. 55.

even under the Federal Rules of Civil Procedure by stating that the *pleading must apprise the defendant of the nature and basis of the asserted claim and the relief requested.**

That the Courts have continually adhered to the requirements of a pleading as set forth above, even under a modern streamlining of rules of procedure, should occasion no surprise, because the rulings above stated are consistent with the fair play that can be obtained only by adequate notice of a litigant's claim and the basis therefor.

It is submitted that the legislature in enacting Subdivision D of Section 344a of the Civil Practice Act has permitted a zeal for modern revision to usurp watchfulness for the protection of party litigants.

It may serve a useful purpose to compare the inadequacies of Subdivision D of Section 344a of the Civil Practice Act with the following statements of law as expressed by our Court of Appeals:

"Pleadings and a distinct issue are essential in every system of jurisprudence and there can be no orderly administration of justice without them. If a party can allege one cause of action and then recover upon another, his complaint would serve no useful purpose" †

"The rule that judgment should be rendered in conformity with the allegations and proofs of the parties, '*secundum allegata et probata*', is fundamental in the administration of justice (Wright v. Delafield, 25 N. Y. 266). Any substantial departure from this rule is sure to produce surprise, confusion and injustice" ‡

There would appear to be no reason why a litigant whose claim is based upon foreign law should obtain an advantage over any other litigant by special exemption from the foregoing rules.

One may anticipate the contention that it is an archaic conservatism that will deny justice to a plaintiff who has a good cause of action but has mistaken the section of foreign law upon which he has brought suit, when in fact he is entitled to an award under another section of such law.**

* United States v. Wagner Milk Products Inc. 61 F. Supp. 635.

† Romeyn Sickles 108 N.Y. 650, 652.

‡ Day v. Town of New Lots, 107 N.Y. 148, 154, see Northam v. Dutchess Co. Mut. Ins. Co. 177 N.Y. 73, Lamphere v. Lang. 213 N. Y. 585.

** Compare language used by Mr. Justice Jackson in *Hickman v. Taylor* 15 L.W. 4139, 4145 (Jan. 13, 1947), 67 S. CT. 385, 396, "But a common law trial is and always should be an adversary proceeding."

This contention, however, would disregard the fact that our system of jurisprudence however slowly it may be deemed to have progressed, has adequately risen to such cases.

Thus, under the rule laid down in the well known case of *Feizi v. 2nd Russian Insurance Co.*, 199 App. Div. 775, the Court, when it discovers that the plaintiff has erroneously selected his theory of recovery, may by adjourning the trial or directing a new trial and embodying terms and conditions in its discretion that will safeguard both parties, give the plaintiff an opportunity to start afresh, and, at the same time, accord to his adversary, protection from surprise and confusion.

There is no reason why the rule in the above case will not adequately protect the plaintiff, who has a good cause of action, but who has through inadvertence, chosen the wrong section of foreign law upon which to base his claim. This form of procedure gives the defendant every opportunity to prepare his case and proof, otherwise denied to him by Subdivision D of Section 344a of the Civil Practice Act.

It would seem necessary in order to obviate the injustices that may occur under Subdivision D of 344a of the Civil Practice Act, that said Subdivision should be repealed, and thus all litigants be afforded the protection of time honored and time tested principals of law and procedure.

Respectfully submitted,
OTTO C. SOMMERICH

INTERIM REPORT OF COMMITTEE ON UNLAWFUL PRACTICE OF THE LAW

The Committee on Unlawful Practice of the Law has a three-fold duty under the by-laws of this Association:

- (1.) To investigate and
- (2.) Consider methods of preventing the unlawful practice of law by corporations and persons not attorneys, and the methods of persons, not attorneys for securing employment to perform services that should be performed by lawyers, and
- (3.) Upon the approval of the Executive Committee, to take such action in the courts or before public officers as it may deem advisable (By-Law XIII, Section 19).

With regard to our prosecuting duties, the present committee has

had for investigation twenty-four complaints. Seven of these have been determined to be unfounded; fourteen complaints are still in the process of being investigated or awaiting a decision, hereinafter referred to.

Two complaints related to simulation of legal process by collection agencies. In both cases we have secured written commitments from the offending agencies agreeing to stop the practice.

In one instance, we have found that a disbarred attorney has continued to practice law, and we have requested permission from the Executive Committee to prosecute in the Criminal Courts.

Your Committee has before it a number of complaints relating to services performed by accountants. Mr. Justice Shientag has for determination the application of the New York County Lawyers Association to enjoin and punish an accountant, Bernard Bercu, for allegedly practicing law. It is hoped that the decision in this matter will help to draw the line between what are accounting services and what are legal services. We are awaiting this ruling before recommending to the Executive Committee steps to be taken with regard to several of the complaints against accountants.

We believe that two types of complaints call for remedial action. The present Committee, and its predecessors, have had a number of complaints against foreign lawyers residing in New York. These practitioners, not offering to practice New York law, are not violating Section 270 of the Penal Law. Not being members of the New York Bar, they are not subject to the same disciplinary supervision as are New York lawyers, and are free to advertise in the foreign language newspapers.

We are drafting a proposed amendment to Section 270 to cover the foreign lawyer situation and will ask the Association to support its enactment. Our difficulty with drafting the amended statute arises from our desire not to have the new statute prohibit New York lawyers from being able to engage the services of foreign law experts, and not to hinder the right of lawyers from other states to come into New York in connection with matters arising in their own jurisdictions.

We have had several complaints relating to law books and loose-leaf services which we believe require real attention. In brief, we are concerned with representations in advertising matter and in text content which indicate to the layman that by purchasing the particular book or loose-leaf service, he does not need the services of a lawyer, and becomes qualified to answer questions which we believe are legal.

Last December, a committee representing publishers and a committee of the American Bar Association agreed on a statement of

principles which would seem to prohibit the very practices to which we object. However, several of the largest publishers seem to be ignoring the agreement. We propose to consider the situation with them and after ascertaining their position, to recommend steps to be taken to the Executive Committee.

At the request of the Appellate Division, we have investigated an application by a corporation seeking to perform legal services under the exemption contained in Section 280 of the Penal Law. After a joint hearing with the Committee of Unlawful Practice of the New York County Lawyers' Association and the Bronx County Bar Association, the applicant has agreed to withdraw the application.

We are advised that the Real Estate Board of New York proposes to sponsor bills which would permit real estate brokers to prepare contracts of sale and other agreements effecting real property. We intend to oppose these bills.

We are convinced that your Committee on Unlawful Practice can perform a real service to the public in preventing the unqualified from practicing law. Members of the Bar are persons most able to recognize unauthorized practice and we earnestly request that you promptly advise us of situations that need investigation so that we can do our duty with vigilance.

Respectfully submitted,

L. REYNER SAMET, *Chairman.*

The Library

SIDNEY B. HILL, *Librarian*

SELECTED LIST OF WORKS ON MEDICAL JURISPRUDENCE

In 1928 Judge Cardozo delivered an historic address before the Academy of Medicine on "What Medicine Can Do for Law," in the course of which he pointed out many instances of cooperative endeavors which could be participated in by these two great professions. Immediately thereafter the Association of the Bar of the City of New York appointed a Special Committee on Cooperation with the Academy of Medicine. The scope and duties of the Committee were enlarged in 1936 and the name changed to the Committee on Medical Jurisprudence. A fresh impetus was given to medico-legal study as a result of this active collaboration.

Matters involving some phase of legal medicine are almost daily occurrences in the average law office and "the practitioner turns to a Jenner, a Pasteur, a Virchow or a Lister almost as freely and submissively as to a Blackstone or a Coke for assistance in the preparation of his case." Members interested in works embodying the integration of research in the fields of both law and medicine will find helpful those listed below.

Many substantial contributions have recently been made to the literature on this subject and this list has been compiled to keep the members abreast of the rapidly growing material that is available. The various law reviews have issued significant symposia on medical legal practice and these and many other valuable contributions in this field will be found in the Index to Legal Periodicals.

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- *Smith, Hubert Winston. *Legal Responsibility in Surgical Practice, Section in Thorek's Surgical Errors and Safeguards*. Philadelphia, J. P. Lippincott Co. 1943. 1085p. 4th Ed.
- Smith, Hubert Winston, Editor. *Index to First and Second Symposium Series on Law-Science Problems with Particular Reference to Law-Medicine Problems*. Urbana, University of Illinois. 1946. 26p. (First and Second Series, comprising more than one hundred studies by American and British authors, published in various legal and medical journals, 1943-1946).
- *Smith, Sydney Alfred. *Forensic Medicine*. 8th Ed. London, J. & A. Churchill, Ltd. 1943. 660p.
- *Smith, Sydney Alfred, and Glaister, John. *Recent Advances in Forensic Medicine*. 2nd Ed. Philadelphia, Blakiston Company. 1938. 264p.

* Not in our Library.

- Society of Medical Jurisprudence. Proceedings of the regular meetings, 1919-1946.
- *Spicer, Frank William. Trauma and Internal Disease. A Basis for Medical and Legal Evaluation of the Etiology, Pathology, Clinical Processes Following Injury. Philadelphia, J. B. Lippincot, 1939. 593p.
- *Snell, Albert Conrad. Treatise on Medicolegal Ophthalmology. St. Louis, C. V. Mosby Co. 1940. 312p.
- *Stern, Rudolph Alfred. Trauma in Internal Diseases, with Consideration of Experimental Pathology and Medicolegal Aspects. New York, Grune and Stratton. 1945. 575p.
- Stryker, Lloyd Paul. Courts and Doctors. New York, Macmillan Co. 1932. 236p.
- United States War Dept. Psychiatric Testimony Before Courts Martial. Washington, U. S. Govt. print. off. 1945. 10p.
- Weihofer, Henry. Insanity as a Defense in Criminal Law. New York, The Commonwealth Fund. 1933. 524p.
- Wiener, Alexander S. Blood Groups and Transfusion. 3rd Ed. Springfield, Ill. & Baltimore, Charles C. Thomas. 1943. 438p.

APPROVED LAW LISTS AND LEGAL DIRECTORIES

The Committee on Law Lists of the American Bar Association has announced that the following domestic and foreign lists and directories have been approved for the year 1947:

Commercial Lists

A. C. A. List (1946-47 edition),
New York.

American Lawyers Quarterly,
Cleveland.

Attorneys List, Baltimore.

B. A. Law List, Milwaukee.

Clearing House Quarterly, Minne-
apolis.

Columbia List, New York.

Commercial Bar, New York.

C-R-C Attorney Directory, New
York.

Forwarders List of Attorneys,
Chicago.

General Bar, New York.

International Lawyers Law List,
New York.

Mercantile Adjuster, Chicago.

National List, New York.

Rand McNally List of Bank Rec-
ommended Attorneys, Chicago.

United Law List, New York.

Wright-Holmes Law List, New
York.

Zone Law List, St. Louis.

* Not in our Library.

Directory of Commercial Attorneys

American Lawyers Annual, Cleveland.

American Bank Attorneys, Cambridge, Mass.

American Bar, Minneapolis.

Bar Register, Summit, New Jersey.

Campbell's List, New York.

Corporation Lawyers Directory, Chicago.

Lawyers Directory, Cincinnati.

Lawyers List, New York.

Russell Law List, New York.

General Legal Directory

Martindale-Hubbell Law Directory, Summit, New Jersey.

Insurance Law Lists

Best's Recommended Insurance Attorneys, New York.

Hine's Insurance Counsel, Chicago.

Insurance Bar, Evanston, Ill.

Underwriters List, Chicago.

Probate Law Lists

Recommended Probate Counsel, Chicago.

Sullivan's Probate Directory, Chicago.

State Legal Directories

The following state legal directories published by The Legal Directories Publishing Company of Los Angeles, Cal.:

Indiana Legal Directory.

Iowa Legal Directory.

Kansas Legal Directory.

Missouri Legal Directory.

Ohio Legal Directory.

Pacific Coast Legal Directory for States of Arizona, California, Nevada, Oregon and Washington.

Texas Legal Directory.

Wisconsin Legal Directory.

Foreign Law Lists

Canada Bonded Attorney, Toronto.

Canada Legal Directory, Toronto.

Canadian Credit Men's Commercial Law and Legal Directory, Winnipeg.

Canadian Law List, Toronto.

Kime's International Law Directory, London.

International Law List, London.

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